

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 21, 27, 28, 30, 32-34, 40, 42, and 43 are currently being cancelled. No claims are being added or amended. Accordingly, claims 1-10, 14-20, 35, 37-39, and 45-54 are submitted for reconsideration. Applicant has included the entire set of pending claims, including the original patent claims, in light of the previous Notice of Non-Compliance, even though Applicants do not agree that the previous Notice is correct.

As for the Information Disclosure Statements of April 16 and June 2, 2004, Applicants have provided the Examiner with additional information regarding the references that were originally crossed out in the PTO SB/08 forms supplied with the latest Office Action. Applicants request that the Examiner provide PTO SB/08 forms with all the noted references initialed as being considered.

In the Office Action, the title was objected to as not being descriptive. By this Amendment, Applicants have amended the title to be more clearly indicative of the invention to which the claims are directed.

In addition, claims 21, 34, and 40 were provisionally rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over claims 13-16 and 18 of co-pending Application No. 10/691,463, which Applicants understand to be 10/691,436. This rejection is now moot in view of the cancellation of claims 21, 34, and 40. In addition, the noted co-pending application has been abandoned.

Further, the objection to claim 40 is obviated due to its cancellation.

Claims 40 and 42 were rejected under 35 U.S.C. § 102(e) as being anticipated by Kato et al. (U.S. Patent No. 6,118,951). This rejection is now moot in view of the cancellation of claims 40 and 42.

Claims 21, 27, 30, and 32-34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kato et al. in view of Takami et al. (U.S. Patent No. 6,24,139). This rejection is now moot in view of the cancellation of claims 21, 27, 30, and 32-34.


Since all of the issues raised in the Office Action have been addressed in this Amendment and Reply, Applicants believe that the present application is now in condition for allowance, and an early indication of allowance is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

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By 

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